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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 Amazon.com, Inc. et al

No. 2:24-cv-01188

10 Plaintiffs,

11 vs.

Answer to First Amended
Complaint & Affirmative Defenses
for Defendant Rachel Winchester
(Diekmann)

12 Michael Bartley, et al

13
14 Defendants.

15 COMES NOW, Defendant Rachel Winchester (formerly Rachel Diekmann), by and through
16 undersigned counsel, and Answers Plaintiffs' Amended Complaint as follows:

17 **I. Introduction**

- 18
- 19 1. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 1,
20 and on that basis denies them.
 - 21 2. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 2,
22 and on that basis denies them.
 - 23 3. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 3, and
24 on that basis denies them.
- 25

Answer to Amended Complaint & Affirmative Defenses

Amazon.com Inc. et al v. Bartley et al

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1 4. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 4, and
2 on that basis denies them.

3 5. Defendant denies the allegations in Paragraph 5 as they relate to herself. Defendant lacks
4 information sufficient to admit or deny the allegations in Paragraph 5 directed to the other
5 defendants, and on that basis denies them.

6 6. Defendant denies the allegations in Paragraph 6 as they relate to herself. Defendant lacks
7 information sufficient to admit or deny the allegations in Paragraph 6 directed to the other
8 defendants, and on that basis denies them.

9 II. Parties

10 7. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 7, and
11 on that basis denies them.

12 8. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 8, and
13 on that basis denies them.

14 9. Defendant admits that her business, J&G Sourcing, LLC operated an Amazon seller
15 account. Defendant denies the remaining allegations in Paragraph 9.

16 10. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 10,
17 and on that basis denies them.

18 11. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 11,
19 and on that basis denies them.

20 12. Defendant admits that she is an individual residing in Missouri. Defendant further admits
21 that she is a member of J&G Sourcing, LLC and in that capacity contributed to the
22 operation of the Amazon seller account for the business. Defendant denies the remaining
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allegations in Paragraph 12.

13. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 13, and on that basis denies them.

14. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 14, and on that basis denies them.

15. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 15, and on that basis denies them.

16. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 16, and on that basis denies them.

17. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 17, and on that basis denies them.

18. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 18, and on that basis denies them.

19. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 19, and on that basis denies them.

20. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 20, and on that basis denies them.

21. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 21, and on that basis denies them.

III. Jurisdiction & Venue

22. Paragraph 22 consists of legal conclusions to which no response is required. To the extent that a response is deemed to be required, Defendant denies the allegations in Paragraph 22.

1 23. Defendant denies the allegations of Paragraph 23.

2 24. Paragraph 24 consists of legal conclusions to which no response is required. To the extent
3 that a response is deemed to be required, Defendant denies the allegations in Paragraph 24.

4 25. Paragraph 25 consists of legal conclusions to which no response is required. To the extent
5 that a response is deemed to be required, Defendant denies the allegations in Paragraph 25.

6 26. Defendant denies the allegations of Paragraph 26 as they relate to herself. Defendant lacks
7 information sufficient to admit or deny the allegations as to the other defendants, and on
8 that basis denies them.

9 27. Paragraph 27 consists of legal conclusions to which no response is required. To the extent
10 that a response is deemed to be required, Defendant denies the allegations in Paragraph 27.

11 28. Paragraph 28 consists of legal conclusions to which no response is required. To the extent
12 that a response is deemed to be required, Defendant denies the allegations in Paragraph 28.
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14 IV. Facts

15 29. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 29,
16 and on that basis denies them.

17 30. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 30,
18 and on that basis denies them.

19 31. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 31,
20 and on that basis denies them.

21 32. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 32,
22 and on that basis denies them.

23 33. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 33,
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and on that basis denies them.

34. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 34, and on that basis denies them.

35. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 35, and on that basis denies them.

36. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 36, and on that basis denies them.

37. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 37, and on that basis denies them.

38. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 38, and on that basis denies them.

39. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 39, and on that basis denies them.

40. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 40, and on that basis denies them.

41. Defendant admits that J&G Sourcing, LLC operated an Amazon seller account, that Defendant was a member of J&G Sourcing, LLC, and that it provided names, emails, and financial account information per the selling account requirements. Defendant denies the remaining allegations in Paragraph 41.

42. Defendant admits that a seller must agree to certain terms imposed by Amazon to become a seller in the Amazon Store. Defendant lacks information sufficient to admit or deny the remaining allegations of Paragraph 42, and on that basis deny them.

1 43. Defendant admits that the document at Exhibit B includes the phrases quoted in Paragraph

2 43. Any remaining allegations in Paragraph 43 consist of legal conclusions to which no
3 response is required. To the extent that a response is deemed necessary, Defendant denies
4 the remaining allegations in Paragraph 43.

5 44. Defendant admits that the phrases following the bullet points in Paragraph 44 and the
6 additional quoted portion below the bullet points in Paragraph 44 are included in the
7 document attached as Exhibit C to Plaintiff's Complaint. The remaining allegations in
8 Paragraph 414 are legal conclusions to which no response is required. To the extent that a
9 response is deemed necessary, Defendant denies the remaining allegations in Paragraph
10 44.

11 45. Defendant admits the document at Exhibit C includes the phrases following the bullet
12 points in Paragraph 45. Defendant denies any remaining allegations in Paragraph 45.

13 46. Defendant admits that the phrases following the bullet points in Paragraph 46 appear in the
14 document at Exhibit B. Defendant denies any remaining allegations in Paragraph 46.

15 47. Defendant denies the allegations in Paragraph 47 as they relate to herself. Defendant lacks
16 information sufficient to admit or deny the allegations as to other defendants, and on that
17 basis denies them.
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19 48. Defendant denies the allegations in Paragraph 48 as they relate to herself. Defendant lacks
20 information sufficient to admit or deny the allegations as to other defendants, and on that
21 basis denies them.
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23 49. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 49,
24 and on that basis denies them.
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1 50. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 50,
2 and on that basis denies them.

3 51. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 51,
4 and on that basis denies them.

5 52. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 52,
6 and on that basis denies them.

7 53. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 53,
8 and on that basis denies them.

9 54. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 54,
10 and on that basis denies them.

11 55. Defendant admits that she provided invoices to verify the authenticity of products sold by
12 J&G Sourcing, LLC. Defendant lacks information sufficient to admit or deny the
13 remaining allegations as they relate to herself and lacks information sufficient to admit or
14 deny the allegations as they relate to other defendants and on that basis denies them.

15 56. Defendant denies any allegations related to knowledge of, or other association with, any
16 other defendant. Defendant lacks information sufficient to admit or deny the remaining
17 allegations in Paragraph 56, and on that basis denies them.

18 57. Defendant denies the allegations of Paragraph 57 as they relate to herself. Defendant lacks
19 information sufficient to admit or deny the allegations as to the remaining defendants, and
20 on that basis denies them.

21 58. Defendant admits that J&G Sourcing, LLC submitted invoices from Lousan and New
22 Powerful in the form that they were received from those entities. Defendant lacks
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1 information sufficient to admit or deny the remaining allegations in Paragraph 58, and on
2 that basis denies them.

3 59. Defendant denies the allegations in Paragraph 59 as they relate to herself. Defendant lacks
4 information sufficient to admit or deny the allegations as to other defendants, and on that
5 basis denies them.

6 60. Defendant denies the allegations in Paragraph 60 as they relate to herself. Defendant lacks
7 information sufficient to admit or deny the allegations as to other defendants, and on that
8 basis denies them.

9 61. Defendant admits that the J&G Sourcing, LLC selling account was blocked at some point.
10 Defendant denies any remaining allegations in Paragraph 61 as they relate to herself.
11 Defendant lacks information sufficient to admit or deny the allegations of Paragraph 61 as
12 they relate to other Defendants, and on that basis denies them.

13 62. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 62,
14 and on that basis denies them.

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16 V. Claims

17 First Claim

18 63. Defendant repeats the admissions and denials of the preceding paragraphs as though fully
19 set forth herein.

20 64. Defendant denies the allegations in Paragraph 64 as they relate to herself. Defendant
21 lacks information sufficient to admit or deny the allegations as to other defendants, and
22 on that basis denies them.

23 65. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 65,
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and on that basis denies them.

66. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 66, and on that basis denies them.

67. Defendant denies the allegations in Paragraph 67 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

68. Defendant denies the allegations in Paragraph 68 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

69. Defendant denies the allegations in Paragraph 69 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

Second Claim

70. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

71. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 71, and on that basis denies them.

72. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 72, and on that basis denies them.

73. Defendant denies the allegations in Paragraph 73 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

1 74. Defendant denies the allegations in Paragraph 74 as they relate to herself. Defendant
 2 lacks information sufficient to admit or deny the allegations as to other defendants, and
 3 on that basis denies them.

4 75. Defendant denies the allegations in Paragraph 75 as they relate to herself. Defendant
 5 lacks information sufficient to admit or deny the allegations as to other defendants, and
 6 on that basis denies them.

7 76. Defendant denies the allegations in Paragraph 76 as they relate to herself. Defendant
 8 lacks information sufficient to admit or deny the allegations as to other defendants, and
 9 on that basis denies them.

10 77. Defendant denies the allegations in Paragraph 77 as they relate to herself. Defendant
 11 lacks information sufficient to admit or deny the allegations as to other defendants, and
 12 on that basis denies them.

13 78. Defendant denies the allegations in Paragraph 78 as they relate to herself. Defendant
 14 lacks information sufficient to admit or deny the allegations as to other defendants, and
 15 on that basis denies them.

17 Third Claim

18 79. Defendant repeats the admissions and denials of the preceding paragraphs as though fully
 19 set forth herein.

20 80. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 80,
 21 and on that basis denies them.

22 81. Defendant denies the allegations in Paragraph 81 as they relate to herself. Defendant
 23 lacks information sufficient to admit or deny the allegations as to other defendants, and
 24
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on that basis denies them.

82. Defendant denies the allegations in Paragraph 82 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

83. Defendant denies the allegations in Paragraph 83 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

84. Defendant denies the allegations in Paragraph 84 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

85. Defendant denies the allegations in Paragraph 85 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

Fourth Claim

86. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

87. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 87, and on that basis denies them.

88. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 88, and on that basis denies them.

89. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 89, and on that basis denies them.

1 90. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 90,
2 and on that basis denies them.

3 91. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 91,
4 and on that basis denies them.

5 92. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 92,
6 and on that basis denies them.

7 93. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 93,
8 and on that basis denies them.

9 94. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 94,
10 and on that basis denies them.

11 95. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 95,
12 and on that basis denies them.

13 96. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 96,
14 and on that basis denies them.

15 97. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 97,
16 and on that basis denies them.

17 98. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 98,
18 and on that basis denies them.

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20 Fifth Claim

21 99. Defendant repeats the admissions and denials of the preceding paragraphs as though fully
22 set forth herein.

23 100. Defendant lacks information sufficient to admit or deny the allegations in
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Paragraph 100, and on that basis denies them.

101. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 101, and on that basis denies them.

102. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 102, and on that basis denies them.

103. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 103, and on that basis denies them.

104. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 104, and on that basis denies them.

105. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 105, and on that basis denies them.

106. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 106, and on that basis denies them.

107. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 107, and on that basis denies them.

108. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 108, and on that basis denies them.

109. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 109, and on that basis denies them.

110. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 110, and on that basis denies them.

111. Defendant lacks information sufficient to admit or deny the allegations in

Paragraph 111, and on that basis denies them.

Sixth Claim

112. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

113. Defendant denies the allegations in Paragraph 113 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

114. Defendant denies the allegations in Paragraph 114 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

115. Defendant denies the allegations in Paragraph 115 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

116. Defendant denies that Plaintiffs are entitled to any of the relief set forth in Paragraph 116 as to Defendant. Defendant lacks information sufficient to admit or deny the remaining allegations in Paragraph 116, and on that basis denies them.

Seventh Claim

117. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

118. Defendant denies the allegations in Paragraph 118 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

119. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 119, and on that basis denies them.

120. Defendant denies the allegations in Paragraph 120 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

121. Defendant denies the allegations in Paragraph 121 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

122. Defendant denies the allegations in Paragraph 122 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

VI. Plaintiffs' Prayer for Relief

Defendant denies that Plaintiff is entitled to the relief sought in Section VI of their complaint as to their claims against her. Defendant lacks information sufficient to admit or deny whether Plaintiffs are entitled to relief against any other defendant.

DEFENDANT'S AFFIRMATIVE DEFENSES

First Affirmative Defense: Failure to State a Claim Upon Which Relief May be Granted.

1. Plaintiffs' claims are barred in whole or in part as they fail to state a claim upon which relief may be granted.

Second Affirmative Defense: Lack of Personal Jurisdiction

2. Plaintiffs' claims are barred in whole or in part because Plaintiff and this Court lack personal jurisdiction over Defendant.

Third Affirmative Defense: Failure to Mitigate Damages

3. Plaintiffs' claims are barred in whole or in part by Plaintiffs' failure to mitigate any damages allegedly sustained.

Fourth Affirmative Defense: Economic Loss Rule

4. Plaintiffs' claims are barred in whole or in part by the Economic Loss Rule

Fifth Affirmative Defense: Innocent Infringement

5. Plaintiffs' claims are barred in whole or in part as, to the extent that Plaintiffs could prove that Defendant actually committed any infringement, Defendant is an innocent infringer.

Sixth Affirmative Defense: Equitable Estoppel

6. Plaintiffs' claims are barred in whole or in part by the doctrine of Equitable Estoppel.

Seventh Affirmative Defense: License

7. Plaintiffs' claims are barred in whole or in part because any use of trademarks was permitted by license agreements from Defendants.

Eighth Affirmative Defense: Waiver

8. Plaintiffs' claims are barred in whole or in part by the doctrine of waiver.

Ninth Affirmative Defense: Laches

9. Plaintiffs' claims are barred in whole or in part by the doctrine of Laches.

Tenth Affirmative Defense: Lack of Knowledge or Willfulness

10. Plaintiffs' claims are barred in whole or in part because Defendant had no knowledge that any allegedly infringing mark or product was counterfeit, unauthorized, or allegedly infringing and did not intend to infringe any mark that was alleged infringed.

Eleventh Affirmative Defense: Unjust Enrichment

11. Plaintiffs' claims are barred in whole or in part by the doctrine of unjust enrichment.

Twelfth Affirmative Defense: Lack of Privity

12. Plaintiffs' claims are barred in whole or in part by the lack of privity between Defendant and Plaintiffs.

Thirteenth Affirmative Defense: Lack of Enforceable Contract

13. Plaintiffs' contract claims are barred in whole or in part by the lack of an enforceable contract between Plaintiff(s) and Defendant.

Fourteenth Affirmative Defense: Improper Defendant/Corporate Limitation of Liability

14. Plaintiffs' claims are barred in whole or in part because any acts alleged and any contracts allegedly entered were done or entered by J&G Sourcing, LLC, a non-party to this action.

Fifteenth Affirmative Defense: Improper Joinder

15. Plaintiff's claims are barred in whole or in part by their improper joinder of Defendant Winchester in this action.

WHEREFORE, Defendants pray for the following relief:

- a) Dismissal of Plaintiff's Complaint with Prejudice;
- b) An award of costs, including reasonable attorney fees; and
- c) Such other relief as the Court deems just and appropriate.

Dated: February 20, 2025

/s/ Nicholas Ranallo

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3 Counsel for Defendant Rachel Winchester (f/k/a Diekmann)

4 **DEMAND FOR JURY TRIAL**

5 Defendant continues to demand a jury trial on all issues so triable.
6

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8 Dated: February 20, 2025
9

10 /s/ Nicholas Ranallo
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